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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,909	03/17/2004	Natasa Milic-Frayling	MS306871.1	4612
27195	7590	03/25/2008		
AMIN, TUROCY & CALVIN, LLP 24TH FLOOR, NATIONAL CITY CENTER 1900 EAST NINTH STREET CLEVELAND, OH 44114			EXAMINER RAYYAN, SUSAN F	
			ART UNIT 2167	PAPER NUMBER
			NOTIFICATION DATE 03/25/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### Office Action Summary

**Application No.**

10/802,909

**Applicant(s)**

MILIC-FRAYLING ET AL.

**Examiner**

SUSAN FOSTER RAYYAN

**Art Unit**

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date 11/30/2007.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 12, 2007 has been entered.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on November 30, 2007. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.
3. Claims 1-29 are pending.

### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

the claimed invention is directed to non-statutory subject matter.

**Claims 1-9, 20-27, 29 are rejected as being directed to non-statutory subject matter.**

Claims 1-9,27,29 are directed to a system that facilitates search query results comprising a client-side receiving component that accepts at least one query result from at least one search service and a client-side processing component that provides user-dependent query result information derived from the query result .... As described in the Specification on page 6, lines 14-16, the term "component" is intended to refer to a computer-related entity, either hardware, a combination of hardware and software, software or software in execution. The examiner has interpreted the claims as software per se and therefore directed to non-statutory subject matter.

Claim 20 is directed to a system that facilitates search query results comprising means for accepting at least one query result from at least one search service and means for providing user-dependent query result information derived from the query result and the user-dependent query result information .... The examiner has interpreted the claims as software per se and therefore directed to non-statutory subject matter.

Claim 21 is directed to a user interface comprising an interface adapted to communicate enhanced search query results to a user, at least one input ...to provide information to at least one search query result and at least one out put ---a thumbnail view including an indication of the percentage... As described in the Specification on page 31, lines

10-24, user interface is composed of at least one graphic and shown on a display.

Claims are software per se as there no physical hardware claimed. The claims are therefore directed to non-statutory subject matter.

Claim 26 is directed to a data packet stored on a computer readable storage medium, that when transmitted between two or more computer components facilitates search query results, the data packet comprising ... Claim 26 is directed to non-functional descriptive material. When nonfunctional descriptive material is recorded on some computer-readable medium or in a computer, it is not statutory since no requisite functionality is present to satisfy the practical application requirement. Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored in a computer-readable medium or in a computer does not make it statutory. See *Diehr*, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an algorithm in *Benson* were unpatentable as abstract ideas because “[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer.”). Such a result would exalt form over substance. In *re Sarkar*, 588 F.2d 1330, 1333, 200 USPQ 132, 137 (CCPA 1978) (“[E]ach invention must be evaluated as claimed; yet semantic considerations preclude a determination based solely on words appearing in the claims. In the final analysis under § 101, the claimed invention, as a whole, must be evaluated for what it is.”) (quoted with approval in *Abele*, 684 F.2d at 907, 214 USPQ at 687). See also *In re Johnson*, 589 F.2d 1070, 1077, 200 USPQ 199, 206 (CCPA 1978) (“form of the claim is often an exercise in drafting”). Thus, nonstatutory music is not a computer

component and it does not become statutory by merely recording it on a compact disk.

Protection for this type of work is provided under the copyright law.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over US

Patent Number 6,363,377 issued to Dina Kravets et al ("Kravets") in view of US

Patent Number 6,134,548 issued to Edward Gottsman et al ("Gottsman") in view of

US Patent Number 6,405,192 issued to Michael Wayne Brown ("Brown").

As per independent claim 1, Kravets teaches a system that facilitates search query results (see Abstract), comprising:

a client-side receiving component that accepts at least one query result from at least one search service (column 11, line 65, bridging to column 12, line 1 and Figure 1A, Reference Numbers 18, 30, receiving search results); and  
a client-side processing component that provides ... query result information derived from the query result accepted by the client-side receiving component (column 4, lines

20-21, display results of the search and column 7, lines 49-65, user votes negatively on a cluster of his informational needs then the system re-clusters the remaining documents).

Kravets does not explicitly teach user-dependent. Gottsman discloses the claimed user-dependent (each active user intention is given a Nickname which is the displayed name the user sees on the screen, column 35, lines 50-57, Figures 12-14). It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Kravets with user-dependent to customize the content to show only the content that relates to a particular intention (column 35, lines 37-40).

Kravets in view of Gottsman do not explicitly teach the user dependent query information includes an indication of percentage of the quantity of a single content type as compared to total content type within at least one linked document in the query result, wherein the percentage is at least ...displayed on a display device .... Brown does teach this limitation at column 8, lines 20-45 as determining the percentage of broken links and displaying to the user to make informed decisions about which links to follow, claimed content type equates to links. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kravets in view of Gottsman with the user dependent query information includes an indication of percentage of content type as compared to total content type within at least one linked document in the query result as described by Brown (column 2, lines 10-12).

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As per claim 2, same as claim arguments above and Gottsman discloses the claimed user model (each User Persona has the Persona data model and has many number of active User Intentions. Each active User intention is given a nickname which is the display name the user sees on the screen, see column 35, lines 50-57, and Figures 12-24).

As per claim 3, same as claim arguments above and Kravets teaches: information related to at least one selected from the group consisting of a user context, a user profile, and a user query result rule (clusters which receive a yes vote are saved along with the query in a search context folder. A user as the ability to find a query and its results by either browsing the search context folders or doing a keyword based search for the among all the context folders, column 7, lines 61-65).

As per claim 4, same as claim arguments above and Kravets teaches: client-side processing component provides the user-dependent query result information via at least one visual indicator (column 1, lines 14-16, refining and improving search queries and for organizing the results of a search query by different and overlapping criteria).

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As per claim 5, same as claim arguments above and Kravets teaches:

the visual indicator comprising at least one selected from the group consisting of highlighting, color, intensity of color, geometric shape, and quantity of geometric shapes (column 1, lines 14-16, refining and improving search queries and for organizing the results of a search query by different and overlapping criteria).

As per claim 6, same as claim arguments above and Gottsman teaches:

the client-side processing component provides the user-dependent query result information via at least one aural indicator (column 38, lines 27-41, generate verbal summary for the user).

As per claim 7 is rejected based on the same rationale as claim 1.

As per claim 8, same as claim arguments above and Brown teaches:

he evaluation of at least one link comprising at determination as to whether the link corresponds to at least one selected from the group consisting of a document with text and a document with links (column 6, lines 25-30).

As per claim 9, same as claim arguments above and Brown teaches:

the content type is at least one of text, graphics, and links (at column 8, lines 20-45 as links.

As per independent claim 10, Kravets teaches a method for facilitating search query results (see Abstract), comprising:

receiving at least one query result from at least one search service(column 11, line 65, bridging to column 12, line 1 and Figure 1A, Reference Numbers 18, 30, receiving search results); and

providing ... query result information derived from the query result and

the user-dependent query result information determined via client-side processing. (column 4, lines 20-21, display results of the search and column 7, lines 49-65, user votes negatively on a cluster of his informational needs then the system re-clusters the remaining documents).

Kravets does not explicitly teach user-dependent. Gottsman discloses the claimed user-dependent (each active user intention is given a Nickname which is the displayed name the user sees on the screen, column 35, lines 50-57, Figures 12-14). It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Kravets with user-dependent to customize the content to show only the content that relates to a particular intention (column 35, lines 37-40).

Kravets in view of Gottsman do not explicitly teach the user dependent query result information including an indication of percentage based on an amount one content type divided by a total of all content type within at least one linked document in the query result, wherein the percentage is at least ...displayed on a display device .... Brown does teach this limitation at column 8, lines 20-45 as determining the percentage of broken links and displaying to the user to make informed decisions about which links

to follow. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kravetts in view of Gottsman the user dependent query result information including an indication of percentage of content type within at least one linked document in the query result. to total content type within at least one linked document in the query result as described by Brown (column 2, lines 10-12).

As per claim 11, same as claim arguments above and Gottsman discloses the claimed user model (each User Persona has the Persona data model and has many number of active User Intentions. Each active User intention is given a nickname which is the display name the user sees on the screen, see column 35, lines 50-57, and Figures 12-24).

As per claim 12 same as claim arguments above and Kravets teaches:  
the user model comprising a model that utilizes, at least in part, information related to at least one selected from the group consisting of a user context, a user profile, and a user query result rule (clusters which receive a yes vote are saved along with the query in a search context folder. A user as the ability to find a query and its results by either browsing the search context folders or doing a keyword based search for the among all the context folders, column 7, lines 61-65).

As per claim 13 same as claim arguments above and Kravets teaches:  
relaying the user-dependent query result information via at least one search result page indicator (column 1, lines 14-16, refining and improving search queries and for organizing the results of a search query by different and overlapping criteria).

As per claim 14 same as claim arguments above and Brown teaches:  
displaying, automatically, at least one thumbnail relating to a search query result page in response to a selection of a corresponding search query result link by at least one user and navigating to a portion of the search query result page and turning ON at least one search result page indicator in response to an interaction with the thumbnail by the user (column 2, lines 31-34).

As per claim 15 same as claim arguments above and Gottsman teaches:  
the search result page indicator comprising ... an aural indicator (column 38, lines 27-41, generate verbal summary for the user).

As per claim 16 same as claim arguments above and Kravets teaches;  
the visual indicator comprising at least one selected from the group consisting of symbols, highlighting, color, intensity of color, geometric shape, and quantity of geometric shapes (column 1, lines 14-16, refining and improving search queries and for organizing the results of a search query by different and overlapping criteria).

As per claim 17 same as claim arguments above and Brown teaches:  
deriving at least part of the user-dependent query result information via evaluating at least one link provided by the query result (column 6, lines 24-40 as parse document links and display change information web page appearance in a user customizable way).

As per claim 18 same as claim arguments above and Brown teaches:  
determining whether the link corresponds to at least one selected from the group consisting of a document with text and a document with links (column 6, lines 25-30, column 9, lines 1-15).

As per claim 19 same as claim arguments above and Brown teaches:  
providing an indicator for the link that indicates at least one selected from the group consisting of a text-content link and a link-content link (column 6, lines 25-30).

As per independent claim 20, Kravets teaches a system that facilitates search query results (see Abstract):  
means for accepting at least one query result from at least one search service(column 11, line 65, bridging to column 12, line 1 and Figure 1A, Reference Numbers 18, 30, receiving search results); and  
means for providing ... query result information derived from the query result and the user-dependent query result information determined via client-side processing (column

4, lines 20-21, display results of the search and column 7, lines 49-65, user votes negatively on a cluster of his informational needs then the system re-clusters the remaining documents).

Kravets does not explicitly teach user-dependent. Gottsman discloses the claimed user-dependent (each active user intention is given a Nickname which is the displayed name the user sees on the screen, column 35, lines 50-57, Figures 12-14). It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Kravets with user-dependent to customize the content to show only the content that relates to a particular intention (column 35, lines 37-40).

Kravets in view of Gottsman do not explicitly teach the user dependent query result information including an indication of percentage of at least one of text, image and link content type, within at least one linked page in the query result, wherein the percentage is at least ...displayed on a display device .... Brown does teach this limitation at column 8, lines 20-45 as determining the percentage of broken links and displaying to the user to make informed decisions about which links to follow. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kravets in view of Gottsman with the user dependent query result information including an indication of percentage of at least one of text, image and link content type within at least one linked page in the query result. to total content type within at least one linked document in the query result as described by Brown (column 2, lines 10-12).

As per independent claim 21, Kravets teaches a user interface, comprising:  
an interface adapted to communicate enhanced search query results to a user(column 11, line 65, bridging to column 12, line 1 and Figure 1A, Reference Numbers 18, 30, receiving search results);  
at least one input associated with the interface to provide information related to at least one search query result(column 4, lines 20-21, display results of the search and column 7, lines 49-65, user votes negatively on a cluster of his informational needs then the system re-clusters the remaining documents).

Kravets does not explicitly teach user-dependent. Gottsman discloses the claimed user-dependent (each active user intention is given a Nickname which is the displayed name the user sees on the screen, column 35, lines 50-57, Figures 12-14). It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Kravets with user-dependent to customize the content to show only the content that relates to a particular intention (column 35, lines 37-40).

Kravets in view of Gottsman do not explicitly teach at least one output to indicate ... search query result information and the output utilizing, at least in part, a thumbnail view to convey the information, the thumbnail view including an indication of percentage ...of at least one of text, image and links content type as compared to a total of all content type within at least one linked document in the query result. . Brown does teach this limitation (see column 8, lines 20-45 as determining the percentage of broken links and displaying to the user and column 9, lines 67, thumbnail) to make informed decisions

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about which links to follow. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Kravets in view of Gottsman at least one output to indicate ... search query result information and the output utilizing, at least in part, a thumbnail view to convey the information, the thumbnail view including an indication of percentage of at least one of text, image and links content type as compared to total content type within at least one linked document in the query result to convey the information to make informed decisions about which links to follow as described by Brown (column 2, lines 10-12).

As per claim 22, same as claim arguments above and Gottsman discloses the claimed user model (each User Persona has the Persona data model and has many number of active User Intentions. Each active User intention is given a nickname which is the display name the user sees on the screen, see column 35, lines 50-57, and Figures 12-24).

As per claim 23 same as claim arguments above and Kravets teaches:  
the input comprising at least one selection of at least one search query result (column 7, lines 49-50, vote selection is a selection of a query result).

As per claim 24 same as claim arguments above and Brown teaches:  
the output comprising an interactive output that responds to a user selection within the thumbnail view (column 9, line 1- column 10, line 11)

As per claim 25, same as claim arguments above and Brown teaches:  
the output comprising at least one indicator of whether a search query result link is  
at least one selected from the group consisting of a text-content link and a link-content  
link (column 6, lines 25-30).

As per independent claim 26, Kravets teaches:  
transmitted between two or more computer components, that facilitates search query  
results(column 11, line 65, bridging to column 12, line 1 and Figure 1A, Reference  
Numbers 18, 30, receiving search results);  
the data packet comprising, at least in part, information relating to a client-side search  
query system that utilizes, at least in part, information to provide user-dependent query  
result data derived from a search service query result. (column 4, lines 20-21, display  
results of the search and column 7, lines 49-65, user votes negatively on a cluster of his  
informational needs then the system re-clusters the remaining documents).

Kravets does not explicitly teach user-dependent. Gottsman discloses the claimed  
user-dependent (each active user intention is given a Nickname which is the displayed  
name the user sees on the screen, column 35, lines 50-57, Figures 12-14). It would  
have been obvious to a person of ordinary skill in the art at the time of the invention  
was made to modify Kravets with user-dependent to customize the content to show only  
the content that relates to a particular intention as described by Gottsman (column 35,  
lines 37-40).

Kravets in view of Gottsman do not explicitly teach the information including an indication of percentage of the amount of content type... within at least one link in the query result. Brown does teach this limitation at column 8, lines 20-45 as determining the percentage of broken links and displaying to the user to make informed decisions about which links to follow. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kravets in view of Gottsman the user dependent query result information teach the information including an indication of percentage of content type within at least one link in the query result to total content type within at least one linked document in the query result as described by Gottsman (column 2, lines 10-12).

Claims 27-29, are rejected based on the same rationale as claim 1.

### ***Response to Arguments***

6. Applicant's arguments filed November 12, 2007 have been fully considered but they are not persuasive.

Applicant argues prior art of record does not teach percentage of content type as compared to total content in a in a linked document. The specification describes on page 26, lines 1-10 linked documents are evaluated to determine their content for text content, graphic content and/or link content. The evaluation is a measure of content such as percentage. Brown does teach percentage of content type as compared to total content in a in a linked document at column 8, lines 20-45 as determining the

percentage of broken links(content type) and displaying to the user to make informed decisions about which links to follow , claimed content type equates to links. Calculating a percentage of the percentage of broken links (content type) to the number of good links (content).

Applicant argues Brown (US 6,356,908) does not teach providing the percentage in a thumbnail view. Brown does teach this limitation (see column 8, lines 20-45 as determining the percentage of broken links (equates to percentage of content type) and displaying to the user and column 9, lines 67, thumbnail)

### **Contact Information**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Rayyan whose telephone number is (571) 272-1675. The examiner can normally be reached M-F: 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Susan Rayyan

March 14, 2008

/John R. Cottingham/

Supervisory Patent Examiner, Art Unit 2167